REMARKS

The Office Action of January 4, 2006, and the prior art relied upon therein have been carefully reviewed. The claims in the application remain as claims 6 and 8-10, and these claims define novel and unobvious subject matter warranting their allowance. Favorable reconsideration and allowance are respectfully urged.

Claims 9 and 10 have been rejected as anticipated by Koyama et al EP '001 (Koyama). This rejection is respectfully traversed.

Applicants do not understand this rejection, bearing in mind that claims 9 and 10 did not at the time of the rejection, and still do not include compounds of Formula V and do not call for treating patients suffering from a wound.

As claims 9 and 1-10 do not call for use of a compound of Formula V, it follows that Koyama could not anticipate applicants' claims even if it were correct (not accepted by applicants) that Koyama inherently treats patients suffering from wounds. This is so because claims 9 and 10 also do not call for a method of treating wounds. The rejection seems to be misapplied.

As applicants can see no justification whatsoever for this rejection, applicants respectfully request withdrawal of such rejection.

Claims 6 and 8-10 have been rejected under Section 102 as anticipated by EP 1,050,525, citation AE of the IDS filed November 7, 2001, hereinafter Tatsumi '525.

The rejection states that Tatsumi '525 teaches a method employing compounds of Formula VII to induce human insulin-like growth factor, noting claim 13 of Tatsumi '525.

Claims 6 and 9 have been amended above to delete reference to compounds of Formula VII. Accordingly, to the extent that Tatsumi '525 was or might have been applicable prior art for the rejection, it clearly no longer is applicable. Claims 6 and 8-10 define novel subject matter over Tatsumi '525.

Withdrawal of the rejection is in order and is respectfully requested.

No rejections have been applied under Section 103, and applicants are proceeding in reliance thereof. Applicants agree that applicants' claims would not have been obvious from any known prior art.

The Office Action Summary correctly notes that the Office Action of January 4, 2006 is "non-final", but the body of the Office Action at the bottom of page 3 incorrectly states that the Action is "Final". Applicants understand that the Action is properly non-final and are proceeding in reliance thereof.

In this regard, applicants' amendment of February 22, 2005, submitted after the Final Rejection of October 29, 2004, was refused entry in the Advisory Action of March 30, 2005, on the basis

that such amendment raised new issues that would require further consideration and/or search. That necessitated applicants' filing of the Request for Continued Examination (RCE) on March 29, 2005, compelling entry for the first time of the amendment of February 22, 2005, denied entry in the Advisory Action.

The rules are clear that the PTO may not properly impose a Final Rejection in a first action following the filing of an RCE under such circumstances, i.e. when the amendment to the Final Rejection was refused entry because it introduced new issues, thus compelling the filing of and RCE.

Applicants believe that all issues raised in the Office Action have been addressed above in a manner favorable to allowance of the present application. Accordingly, applicants respectfully request favorable reconsideration and early formal allowance.

Respectfully submitted,

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